

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

DEMARCUS GARNER,
Defendant.

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1:07-cr-00106-WTL-KPF-5

Approved on 5/13/15.
s/William T. Lawrence, Judge

**STIPULATION REGARDING MODIFICATION OF SENTENCE
PURSUANT TO 18 U.S.C. § 3582**

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by counsel, Josh J. Minkler, Acting United States Attorney, and Matthew Brookman, Assistant United States Attorney, and Defendant Demarcus Garner by counsel, Sara Varner, that:

1. On July 24, 2008, Demarcus Garner was sentenced to 132 months imprisonment based upon a guideline range of 121-151 months (reflecting a final offense level of 29 and a criminal history category of IV).

2. On November 1, 2014, the guideline range under which Mr. Garner was sentenced was lowered by the U.S. Sentencing Commission under Amendment 782, and the Amendment was thereafter made retroactive by unanimous vote of the Commission. Under this Amendment Mr. Garner's guideline range is 100-125 months (reflecting a final offense level of 27 and a criminal history category of IV).

3. Upon review of the underlying facts of the case the parties agree that Mr. Garner is entitled to request relief pursuant to 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.10 and Amendment 782.

4. Based upon the foregoing, the parties hereby stipulate that a sentence reduction of 12 months (from 132 to 120 months) is appropriate in this matter.

5. The parties further stipulate that the remaining components of Mr. Garner sentence shall

remain unchanged.

6. Undersigned counsel's office has been in contact with Mr. Garner who consents to this entry on his behalf. Mr. Garner stipulates that he waives and does not request a hearing in this matter pursuant to Fed. R. Crim. P. 43 and 18 U.S.C. §3582(c)(2).

7. The parties agree and stipulate that an Order may be entered by this court reducing Defendant's sentence to a term of 120 months.

Date: May 11, 2015

Respectfully submitted,

s/Sara J. Varner

Sara J. Varner, Counsel for Defendant

s/Matthew Brookman

Matthew Brookman

Assistant United States Attorney